

TOWN COUNCIL MEETING

July 15, 2008

BOARD OF LICENSE COMMISSIONERS

- 1. Call to Order 7:03 p.m. All Council members were present.**
- 2. Pledge of Allegiance Cub Scouts from Manville Pack 1 led us in the Pledge of Allegiance.**
- 3. Presentation of Horlborgen Trophy to Manville Pack 1**
Dave Sale, Robert Kay and Caroline Taylor and Barbara Ackaway presented the Horlborgen Trophy to the Scouts.

Proclamation for Joseph Amaral

Proclamation for Edwin Sherman

Proclamations were presented to Joseph Amaral and Edwin Sherman

4. Minutes

a. June 17, 2008

Voted to approve the minutes from June 17m 2008, (KM – JJ).

5. Application for Special Event License

a. Events at Twin River

Voted 5-0 to approve Special Events Licenses for the following events, (JJ – RM):

Jim McMahon Celebrity Golf Tournament Reception

CES Boxing

Pat Benatar and Neil Giraldo Concert

ANI Productions Concert

AGAR Food Show

RG Shakour Inc Nail and Skin Show

Job Fair

Pet Food Experts

Wedding Expo

b. Barbecue at Lou's Café on July 19, 2008

Voted 4-1, Councilor McKenna was opposed, to grant this Special Events License with the following restrictions, at the recommendation of the Lincoln Police Department, (KM – JJ):

Parking lot at Fall and Summer Streets to be roped off.

Clearly marked parking in parking lot at Fall and Winter Street.

No glass containers outside.

Police detail hired at licensee's expense

No one under 21 in roped off area

TOWN COUNCIL

Call to Order 7:27 p.m.

Consent Agenda

Voted 5-0 to accept the consent agenda as amended, (JJ – KM). The consent agenda consists of the following:

Minutes

- 1. June 16 – Ordinance Committee**
- 2. June 16 – Purchasing Committee**
- 3. June 16 – Work Session**
- 4. June 17 – Claims Committee**
- 5. June 17 – Purchasing Committee**

Consideration of Monthly Bills

- 1. Accounts Payable – Library:**

FY 07-08: \$8,869.40

Carry over: \$9,167.91

- 2. Accounts Payable – Town:**

FY 07-08: \$21,469.26

Carry over: \$20,841.60

FY 08-09: \$124,564.51

- 3. Direct Pay – Town:**

FY 07-08: \$1,331,798.38

Carry over: none

FY 08-09: \$56,053.27

Communications

- 1. State Mandated Financial Reports**

a. Town

b. School

c. Water Department

Reports

1. Town Administrator

Tax Abatements

- a. \$41,243.23**

Public Comment

John Barr: Mr. Barr feels the assessment on Twin River is extremely problematic and should be \$300,000,000.00.

Ron Stewart: Dr. Stewart is opposed to the sewer connection for Douglas Lumber.

Edward Slattery: Mr. Slattery would like to see a ballot question on abolishing the FTM and is opposed to four year terms.

Minutes

June 17 – Regular Meeting

Voted 5-0 to defer these minutes, (KM – JF).

Appointments

1. Sewer Appeals - District 1

Voted 5-0 to appoint Frank Kelly, (JF – JJ).

2. Conservation Commission – District 4

Voted 5-0 to appoint Michael Gravier, (JJ – JF).

3. Lonsdale Redevelopment Agency

Voted 5-0 to table this appointment until the board is active, (KM – JJ).

4. Tenant Board – District 1

Voted 5-0 to appoint Martha LeForde, (JJ – JF).

5. Tenant Board – District 4

Voted 5-0 to defer, (JJ – KM).

6. Tenant Board – District 5

Voted 5-0 to defer, (RM – JF).

7. Zoning Board – District 1

Voted 5-0 to defer, (JJ – KM).

8. Personnel Board

Voted 5-0 to defer, (KM – JF).

Unfinished Business

1. Claims Committee Report

a. Verizon

Voted 5-0 to deny this claim as recommended by the Claims committee, (RM – JF).

b. George M. Ogilvie, Jr.

Voted 5-0 to settle this claim in the amount of \$1,875.00 at the recommendation of the Claims Committee, 9RM – KM).

2. Ordinance Committee Report

Ordinances – vote on Ordinances for consideration and/or passage

a. Ordinance 08-09: Twin River Revenue

Voted 5-0 by roll call to adopt Ordinance 08-09, (KM – JF).

ORDINANCE 08-09

WHEREAS, the General Assembly has approved a plan to allow the Twin River complex to remain open 24 hours on weekends and holidays, and;

WHEREAS, the General Assembly estimates that \$1.1 million of additional revenue to the Town of Lincoln as a result of the increased operations, and;

WHEREAS, the Town of Lincoln recognizes that commissions received from Video Lottery Terminals are expected to increase significantly over the course of the next several years, and;

WHEREAS, considerable efforts have been made to prepare and implement a comprehensive capital plan for the town, and;

WHEREAS, the Lincoln Town Council believes that it is in the best interest of the Town to provide for financial stability within the operating budget of the Town, provide for property tax relief and support the ongoing capital project needs of the town, and;

WHEREAS, the Lincoln Town Council intends to limit the use of the Video Lottery Terminal commissions used to support the operating budget and provide tax relief to an amount that increases in a manner

consistent with the growth of the annual tax levy;

NOW, THEREFORE, be it Ordained by the Town of Lincoln that:

SECTION 1. The base amount to be used in the calculation of the maximum commission revenue to be recognized beginning in the annual budget for fiscal year 2008/2009 shall be \$5,200,000.

SECTION 2. The amount of the annual increase to the Video Lottery Terminal budgeted revenue to be recognized in any fiscal year budget starting with the fiscal year beginning July 1, 2009 shall not exceed the percentage increase of the tax levy set for that fiscal year.

SECTION 3. Prior to the close of accounts in each fiscal year, any amounts collected in excess of the amount allowed as defined in Section 2 shall be permanently transferred into Town Capital Projects Fund.

SECTION 4. This Ordinance shall take effect on the 21st day following passage.

b. Ordinance 08-10: Solid Waste Collection

Voted 5-0 by roll call to adopt Ordinance 08-10, (KM – JJ).

Ordinance 08-10

Chapter 217

Solid Waste

The Town Council of the Town of Lincoln hereby ordains:

217-3. Rules and Regulations.

The Director of Public Works shall make rules and regulations concerning the types of containers, further classification of paper and rubbish, separation of paper and rubbish according to class, in order to promote the safe and convenient handling of paper and rubbish and to promote the orderly appearance of the Town when paper and rubbish are on the sidewalk awaiting collection.

A. Any person who generates municipal solid waste or accepts responsibility for collecting, storing, or disposing of municipal solid waste shall segregate their waste.

B. The Town reserves the right to deny collection of municipal solid

waste from any household that shall not comply with segregated recycling regulations and/or shall not set out for collection recyclable containers with required segregated materials.

This Ordinance shall take effect upon passage.

Resolutions – vote on Resolutions for consideration and/or passage

a. Resolution 08-20: Increased Shared Gaming Revenue

This Resolution was deferred in committee.

b. Resolution 08-26: FTM Ballot Question

Council members discussed this resolution. Council President O’Grady feels it is impossible to remove politics from the FTM and would like to see the FTM stay. Councilor Flynn opposes the FTM and would like to see the responsibility for the budget placed with the Budget Board with the Town Council having final approval. Councilor Macksoud would like to give the voters an opportunity to vote. Councilor McKenna feels the time is not right for this to be placed on the ballot. Councilor Jahnz feels the Council needs to know how to replace the FTM before placing this before voters.

This Resolution was deferred in committee. A special meeting is scheduled for July 29 to address this Resolution.

3. Public Safety Committee Report

Councilor Flynn gave the report. The Administrator presented a report on research done on the services provided by the Town's rescue department. He reports a small percentage of mutual aide is ever required, 78 times out of an estimated 3,500 runs. Councilor Flynn feels nothing can be done at this time and should have been researched during budget process. Councilor McKenna feels a third rescue is not needed at this time, and the Town cannot afford it. The Administrator reports looking into regionalization and is studying location issues.

Chief Sullivan and Officer Kevin Murphy will make a presentation on the new Traffic Safety Program at the August work session.

4. Purchasing Committee Report

a. Bid for Landscape Architect – Professional Design Services for Manville Memorial Park

Voted 5-0 to award this bid to Casali and D'Amico Engineering in the amount of \$26,360.00 as recommended by the Finance Director, (JJ – RM).

5. Capital Improvement Committee Report

The Senior Center Sub-Committee will be meeting to write up an RFP.

6. Solicitor's Report

a. Request for sewer tie-in from Douglas Lumber discussion

b. Request for sewer tie-in from Wedgewood Enterprises, Inc discussion

Voted to change the order of business and consider the request for sewer tie in, (KM – RM).

The Solicitor presented his report on this issue. This is the second such request made to the Town. The Town of Smithfield will not provide a hook up for this property as it is too far from their line. If Lincoln agrees to connect they will need to enter into an agreement with Smithfield. The Council is not obligated to hear this request.

Richard Tallo, representing Douglas Lumber made a presentation. He stated his client has no other means to connect to Smithfield. DEM is imposing compliance as this is now an environmental issue. Douglas Lumber will bear all cost for the hook up.

Lori Hanbridge from NBC stated she feels this is an environmental win/win situation.

Council members allowed Steven Carlino, property owner, to speak. He stated he has no plans to develop the property, he just wants to keep doing what he is doing.

Council President O’Grady explained that a Council member will have to place this on an agenda in order for it to be considered.

Voted 5-0 to accept the Solicitor’s report, (RM -JJ).

New Business

2. Resolution introduction for referral to Committee

a. Resolution 08-29: Authorizing the Cancellation of Certain Taxes

Voted 5-0 to consider Resolution 08-29 immediately, (KM – RM).

Voted 5-0 for passage of Resolution 08-29, (KM – RM).

Resolution 08-29

RESOLUTION

AUTHORIZING THE CANCELLATION OF CERTAIN TAXES

WHEREAS, the Town Finance Director recommends that the said taxes be cancelled in conformity with R.I.G.L. Section 44-7-14 Cancellation of Taxes and/or refunded in the amount as respectively set forth in the attached report.

IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LINCOLN, RI AS FOLLOWS:

Section 1: That the said above described report be incorporated in and attached to this resolution and that the said report be made a part hereof;

Section 2: That the Town Council hereby orders that said taxes be cancelled and/or refunded,

Section 3. That the Town Clerk of the Town Council shall, upon passage of this resolution, forthwith certify to the Town Treasurer and Tax Collector that the taxes specified and itemized in said report

have been cancelled and abated in the amounts set forth in the report; and that the Finance Director of the Town of Lincoln is hereby authorized, on the passage of this resolution, to make refunds in the amount or amounts as set forth in this report.

Section 4. This resolution shall take affect upon passage.

Lincoln Town Council

Resolution 08-29 / July 15, 2008

Schedule of Abatements

Account No. Type of Tax Amount of Tax Reason_____
Submitted by Rossi Law Offices

02-25375-00	Motor Vehicle	\$	57.21	Defunct
02-29499-37	“	“	325.89	Bankrupt 11/07
02-42790-25	“	“	1,271.77	Defunct
04-00023-10	“	“	81.86	Defunct
04-00024-05	“	“	21.46	Defunct
05-00095-00	“	“	5.24	Defunct
05-05599-92	“	“	94.56	Defunct
06-00009-60	“	“	253.47	Defunct
10-00659-00	“	“	141.46	SIF
10-02877-50	“	“	2,118.61	Bankrupt 2004

13-08080-00	“	“	2,302.30	Bankrupt 4/08
17-00050-00	“	“	113.96	Defunct
18-08750-62	“	“	95.21	Defunct

TOTAL \$ 6,882.91

b. Resolution 08-30: Proclamation for Joseph Amaral

Voted 5-0 to consider the Resolution immediately, (KM – JJ)

Voted 5-0 for passage of Resolution 08-30, (KM – JJ).

Resolution 08-30

Proclamation of the Lincoln Town Council

Whereas: Joe Amaral is a dedicated and respected member of the Lime Rock Fire Department.

And Whereas: On June 10, 2008, while in the vicinity of Scott’s Pond, Joe Amaral, while off-duty, responded to the calls for help from a drowning fifteen year-old boy by diving into Scott’s Pond and swimming over eighty feet from shore to rescue the child before he drowned and employed life saving measures to return him to safety;

And Whereas: The actions taken by Joe Amaral undoubtedly saved

the life of the child and unquestionably avoided a tragedy;

Therefore let it be known: That the Lincoln Town Council hereby honors Joe Amaral for his exceptional display of bravery and valor upon the occasion of June 10, 2008 and furthermore thanks him for his past and continued service to the Town of Lincoln and the Village of Lime Rock.

c. Resolution 08-31: Senior Center

Voted 5-0 to consider this resolution immediately, (RM – KM).

Voted to adopt Resolution 08-31, (RM – KM).

Resolution 08-31

Town of Lincoln

Resolution of the Town Council

A Resolution in Support of Converting a Portion of Lime Acres Park for the Purpose of Constructing a New Senior Center

WHEREAS, the Capital Development Committee (CDC) for the Town of Lincoln has studied the existing and future needs of the Senior Center located at 40 Chapel Street, and

WHEREAS, due to the existing constraints of the property, it is not likely that this building or property can continue to serve the needs of the seniors in Lincoln, and

WHEREAS, the Capital Development Committee has concluded and recommended that construction of a new Senior Center as opposed to renovating the existing Senior Center would be a more cost efficient use of public dollars and best serve Lincoln's senior population, and

WHEREAS, Town Council resolution 08-19 directs the Town of Lincoln to commence development of a new Senior Center located on a portion of Town owned land at Lime Acres Park, and

WHEREAS, the Lime Acres Park campus was purchased with assistance from the Land and Water Conservation Fund Program and this assistance carries certain contractual responsibilities cited in Title 36, Part 59 in the U.S. Code of Federal Regulations to assure the protection of viable public recreational sites and facilities, and

WHEREAS, Section 6(f)(3) of the Land and Water Conservation Fund Act provides conversion requirements that a municipality must meet

and obtain approval before the public recreational site can be altered into something other than public recreational use.

NOW THEREFORE, BE IT RESOLVED that the Town Council of the Town of Lincoln hereby supports filing an application to the National Park Service in accordance with Title 36, Part 59 section 6(f)(3) of the Land and Water Conservation Fund Act seeking permission to convert the front portion (approximately 2 acres) of Lime Acres Park into Senior Center.

d. Resolution 08-32: Proclamation for Edwin Sherman

Voted 5-0 to consider this resolution immediately,)KM – JJ).

Voted 5-0 for passage of Resolution 08-32, (KM – JJ)

Resolution 08-32

Proclamation of the Lincoln Town Council

Whereas: Edwin Sherman has been and continues to be a dedicated and trustworthy member in several capacities of the Lime Rock Fire District

And Whereas: On June 22, 2008, the Lime Rock Fire Department held a ceremony that recognized the many years of service given by Edwin Sherman;

And Whereas: The Lime Rock Fire Department honored the Edwin Sherman by formally dedicating the Lime Rock Fire Department Engine Number 31 in the name of Edwin Sherman;

Therefore let it be known: That the Lincoln Town Council hereby congratulates Edwin Sherman and his family for receiving such an honor and thanks him for his past and continued service to the Town of Lincoln and the Village of Lime Rock.

e. Resolution 08-33: Proclamation for Louis Rivet

Voted 5-0 to consider this resolution immediately, (KM – JJ).

Voted 5-0 for passage of Resolution 08-33, (KM – JJ).

Resolution 08-33

Proclamation of the Lincoln Town Council

Whereas: Louis Rivet was a dedicated and trustworthy member in several capacities of the Lime Rock Fire District

And Whereas: On June 22, 2008, the Lime Rock Fire Department held a ceremony that recognized the many years of service given by Louis Rivet and the members of his family, including his son, Ron;

And Whereas: The Lime Rock Fire Department honored the Rivet Family by formally dedicating the Lime Rock Fire Department Station 1 Fire House in the name of Louis Rivet;

Therefore let it be known: That the Lincoln Town Council hereby congratulates the family of Louis Rivet for receiving such an honor and thanks them for their past and continued service to the Town of Lincoln and the Village of Lime Rock.

f. Resolution 08-34: Authorizing the Cancellation of Certain Taxes Voted 5-0 to consider this resolution immediately, (KM – JJ). Voted 5-0 for passage of Resolution 08-34, (KM – JJ).

Resolution 08-34

RESOLUTION

AUTHORIZING THE CANCELLATION OF CERTAIN TAXES

WHEREAS, the Lincoln Town Council transferred certain property to the Lincoln Housing Authority by Resolution 07-02 on January 16, 2007, and;

WHEREAS, the Lincoln Housing Authority is exempt from tax on real property, and,

WHEREAS, there are taxes outstanding on the transferred parcels as follows:

Plat 38 Lot	061.0	\$10,834.49
62.0	11,774.83	
63.0	10,581.14	
64.0	9,515.17	
65.0	9,502.60	
66.0	9,686.09	
67.0	8,670.97	
68.0	8,168.96	

IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LINCOLN, RI AS FOLLOWS:

Section 1: That the Town Council hereby orders that said taxes be cancelled,

Section 3. That the Town Clerk of the Town Council shall, upon passage of this resolution, forthwith certify to the Town Treasurer and Tax Collector that the taxes specified and itemized above have been cancelled and abated in the amounts set forth.

Section 4. This resolution shall take affect upon passage.

Lincoln Town Council

Resolution 08-34 / July 15, 2008

Schedule of Abatements

Account No. Type of Tax Amount of Tax Reason_____
Submitted by Rossi Law Offices

02-25375-00	Motor Vehicle	\$	57.21	Defunct
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02-42790-25	“	“	1,271.77	Defunct
04-00023-10	“	“	81.86	Defunct
04-00024-05	“	“	21.46	Defunct
05-00095-00	“	“	5.24	Defunct
05-05599-92	“	“	94.56	Defunct
06-00009-60	“	“	253.47	Defunct
10-00659-00	“	“	141.46	SIF
10-02877-50	“	“	2,118.61	Bankrupt 2004

13-08080-00	“	“	2,302.30	Bankrupt 4/08
17-00050-00	“	“	113.96	Defunct
18-08750-62	“	“	95.21	Defunct

TOTAL \$ 6,882.91

g. Resolution 08-35: RI League of Cities and Towns to Purchase Energy

Voted 5-0 to consider this resolution immediately, (KM – JJ).

Voted 5-0 for passage of Resolution 08-35, (KM – JJ).

Resolution 08-35

**RESOLUTION OF THE LINCOLN TOWN COUNCIL
AUTHORIZATION TO ACT AS AGENT FOR
THE TOWN OF LINCOLN, RHODE ISLAND**

WHEREAS: the Lincoln Town Council finds that the Rhode Island

Energy Aggregation Program (REAP) is a consortium of thirty-six Rhode Island cities and towns which are organized under the auspices of the Rhode Island League of Cities and Towns for the purpose of purchasing electricity and other energy related services from energy power suppliers at the lowest possible prices and with the highest quality of service; and

WHEREAS: the Lincoln Town Council finds that Dan Beardsley in his capacity as Executive Director of the Rhode Island League of Cities and Towns and Program Manager of the Rhode Island Energy Aggregation Program did responsibly and successfully secure successive low cost energy supply contracts on behalf of REAP members from 1999 through the present; and

WHEREAS: the Lincoln Town Council finds that the REAP program has to this date collectively saved cities and towns over \$23,000,000 dollars in energy costs; and

WHEREAS: the Lincoln Town Council finds that the Town of Lincoln has benefited from the Program by saving \$370,540 dollars in energy costs; and

WHEREAS: the Lincoln Town Council finds that the current REAP contract is due to expire in December 2008 and because of volatile market conditions that include record high oil prices, unpredictable weather, and a weak US dollar, it is in the best interests of REAP

members to act quickly to secure a new energy supply contract when there is a dip in prices; and

WHEREAS: the Lincoln Town Council finds that it is necessary for Dan Beardsley in his capacity as Executive Director of the Rhode Island League of Cities and Towns and Program Manager of the Rhode Island Energy Aggregation Program to be given authorization to act as agent on behalf of the Town of Lincoln in the procurement of an energy supply contract effective in December 2008 and for a term of months/years that is yet to be determined;

NOW THEREFORE BE IT RESOLVED THAT: the Town Council of Lincoln does hereby declare that the Council designates Dan Beardsley, in his capacity as Executive Director of the Rhode Island League of Cities and Towns and Program Manager of the Rhode Island Energy Aggregation Program, to act as our agent with regard to the procurement of an energy supply contract and to have lawful authority to bind the Town of Lincoln in said contract. This authorization is to take effect immediately upon passage and continue until such time as an energy supply contract is secured on behalf of the members of REAP.

Dan Beardsley, solely in his capacity as Executive Director of the Rhode Island League of Cities and Towns and Program Manager of the Rhode Island Energy Aggregation Program, shall have the authority to act on behalf of the Town of Lincoln in the following

matters:

- {1} Negotiating an energy supply contract on behalf of the Council;**
- and**
- {2} Signing an energy supply contract of behalf of the Council.**

3. Ordinance introduction for referral to Committee

a. Ordinance 08-11: Establishing a Policy for the Sale or Conveyance of Real Property

Voted 5-0 to refer this ordinance to the ordinance committee, (KM – JJ).

4. Tenant Board discussion and/or action

Councilor Flynn had question on the powers of the Tenant Board. The Solicitor explained those powers are granted by RIGL.

5. Rules for FTM discussion and/or action

Councilor Flynn stated he feels new rules should be established for the conduct of visitors at the FTM.

Communications

2. Lincoln Water Commission

Voted 5-0 to accept this communication, (KM – RM).

Adjourn 9:36 p.m.

Karen D. Allen

Town Clerk